LEGAL PREPARATION TESTED BY SUCCESS IN PRACTICE

"THINGS are to be determined, not by arguing, but by trying," said the great lawyer-philosopher, Francis Bacon, in laying the foundation for modern scientific research. In the spirit of that suggestion the effectiveness of different modes of legal preparation should be determined, not so much by *a priori* argument as by observation of what sort of preparation produces the greatest success in actual practice.

The question at once arises, "What is success in practice?" In the opinion of clients, success in practice means success in court. In the opinion of the bar, success in practice means success in court. With success in court follows abundance of clients, lucrative consultation practice, and financial success. With failure in court, clients vanish, consultation practice disappears, and financial returns fade away.[1] Granting that success in court is not an ideal test of a lawyer's success, since it ignores the larger social aspects of the question, yet success in court and no other is the practical test of success applied to the lawyer in the actual world. How far

[1] General agreement that success in court is the proper standard by which to measure a lawyer's success is hardly to be expected. It will be objected by some that success in court is at least sometimes, if not often, won by questionable means. It will be objected, further, that success in court bears no relation to that important but unadvertised part of every honest lawyer's practice in which he guides the affairs of clients to keep them out of litigation, and in which, when controversies arise, he procures adjustments and brings about settlements without resort to court proceedings. This feature will be especially emphasized in connection with the practice of law in the larger commercial centers, where the lawyers generally accounted the most successful are frequently office lawyers who but rarely appear in the court room.

Conceding full weight to such objections, success in court must still be recognized as one of the most important tests of success that can be applied to a member of the legal profession. It is a test of success the accuracy of which depends, in any given situation, upon the relation obtaining between court-room and office practice. As applied to general practice, at least outside of the larger centers, it is believed to be fairly representative. Even in the case of the larger centers it is admitted by some, but will no doubt be denied by others, that successful office practice is usually built upon the foundation of already achieved success in the court room.

legal preparation is reflected in success in court is therefore of great practical consequence, not only to the world of legal education, but also to the community at large, the concerns of which depend largely upon order and justice.

There are differences in aptitudes as well as differences in preparation. The greater inborn ability with which the more capable are often endowed enables them to forge ahead of their less fortunate brethren, even in spite of deficient preparation. The "personal equation" will therefore continue to play a large part in the individual lawyer's chances of success, even after the last word has been spoken regarding effectiveness of preparation. Since with "other things being equal," however, some sorts of preparation produce greater success in court than others, it is instructive to all concerned to observe how differences in legal preparation are reflected in later success in actual practice.

The estimates here submitted[2] on the questions involved are based on the facts stated in applications for admission to the bar and on the court records of North Dakota. All the candidates admitted to the bar by examination from 1902 to 1913, inclusive, are included in the estimates, and the measure of their success is based upon the complete state Supreme Court record from the beginning of that period till the present time,[3] supplemented by a cross-section view of district court work for one term of court covering nearly

---

[2] Acknowledgments for much valuable assistance in the preparation of this study are due to a host of friends and helpers. Without the kindly interest of Justices Birdzell and Bruce of the Supreme Court of North Dakota in facilitating my access to the records of qualifications, this study could never have been undertaken. Mr. Howard E. Newton, Clerk of the Supreme Court, should also be mentioned in this connection. Justice Bronson, recently a member of the State Board of Bar Examiners, also assisted with several valuable suggestions. My colleague, Professor Hugh E. Willis, now Acting Dean of the University of North Dakota Law School, by his friendly interest in the subject afforded me constant encouragement. On questions of local information, identification, etc., I have had the most generous assistance from various members of the local bar. Acknowledgment should also be made for the responses by district judges, clerks of district courts, and men in other schools, to inquiries put to them from time to time in the course of this investigation. Further, acknowledgment is due to William H. Greenleaf, former Registrar of the University of North Dakota, for his courtesy in putting the material University records at my disposal when wanted. Lastly, acknowledgment for very welcome assistance in examination of records and recording of computations is due to my small but resourceful better half, my wife.

[3] NORTH DAKOTA REPORTS, Vols. 14–36.

every county in the state. It is to be emphasized, therefore, that the estimates of success in practice here submitted are actual totals of results, not merely specimen observations on the basis of which to guess at relatively corresponding totals.

In order to avoid attaching undue weight to any single feature of success in court, such success is viewed from eight different angles in the making of each group comparison. Thus the proportion of any group reaching court is taken as one indication of success, the proportion of cases for each lawyer is taken as another indication of success, and the proportion of winnings in court is taken as a third indication of success. Some weight is also attached to the proportion in any group attaining to such distinction in practice as to have numerous cases. With this process of comparison on all four points for each group carried separately through the whole record of practice in the Supreme Court and through the available record of practice in the District Court, eight percentages of success are obtained for each group. Such percentages are then averaged together for a "final grade" of success for each group as compared with each other group, and this final grade is reduced to the scale of one hundred for convenience in comparison. This method of computation is systematically followed through the following distinct lines of inquiry: 1. Law-school marks. 2. Law-school and office preparation. 3. Time devoted to legal preparation. 4. Prior college education. 5. Age of applicants at the time of admission. 6. Previous occupation. 7. Records of the judges themselves.

I. Law-School Marks

Some years ago President Lowell published a convincing set of figures showing that the scholarship attained by students in the Harvard Law School followed very closely the record of scholarship made in the preceding collegiate work. Excellent students in college were likely to be good students in the law school. Poor students in college were practically always poor students in the law school. Statistics of similar import have been worked out frequently in recent years, as between different stages in the process of education. The last link in the chain of argument based on such figures has been hard to find, however, since so little statistical information of any reliable character has been at hand to demonstrate

that academic success, as shown by scholarship records, bears any tangible relation to the elusive quantity which we call success in life. So far, no better test of general success has been found than mention in the compilation called "Who's Who." Studies based on "Who's Who" strongly confirm the conclusion that there is a very close correspondence between scholarship in preparation and success in later life.

So far as success in the practice of law is concerned, a far more definite guide than "Who's Who" is available in the reports of decided cases. Given the individual lawyer's scholarship record,[4] as indicated in his application for admission to the bar, the determination of his success in practice is only a matter of careful observation of the data at hand,[5] while the proportionate success of his scholarship group becomes merely a matter of careful computation. The figures for the North Dakota bar, based on grouping according to law-school marks as certified at the time of admission to the bar, are as follows:

---

[4] It is appropriate to suggest to the men in charge of the various law schools the desirability of reporting grades in detail instead of merely certifying to a general statement of satisfactory work. For inquiries such as the present the details of grades are indispensable. The study herewith presented has been embarrassed a little by the absence of such details in the records of qualifications of an appreciable number of candidates for admission to the bar in North Dakota.

[5] A suggestion must here be made to reporters of cases, and to the judges or other parties who may speak with authority to correct such matters, that the names of counsel ought always to appear individually and in full, and that the names of the judges from whose courts cases are appealed ought always to appear in the reports of decided cases. Without the names of counsel appearing individually instead of by abbreviated firm names in the reports of cases it becomes difficult to take minutely accurate observations of the results. For example, there are in North Dakota several attorneys named Johnson, now engaged in active practice. In the report of one case O'Connor and Johnson are mentioned as counsel. In another report Grimson and Johnson are mentioned as counsel. Similarly with regard to attorneys bearing the name of Murphy. Thus, when the names Lawrence and Murphy, Fisk, Murphy, and Linde, or Murphy and Toner appear in the reports, only personal knowledge of the parties can enable any one to identify the Murphy or the Johnson meant. The same remark might be duplicated for various other names in the references to counsel in North Dakota. Doubtless the same general situation in this respect exists in nearly every state. It is within the power of court reporters and judges of supreme courts to correct this obstruction to accurate observations and estimates by having inserted in the reports the individual names in full. The same consideration applies for identifying the district judges from whose decisions appeals are made, instead of referring to such appeals merely as coming from such and such a district or county court.

TABLE I

Law-School Grades	General Standing [6]	Reduced to Scale of 100
90 or better	48.19	86.50
85–89	55.94	100.00
80–84	44.89	80.60
75–79	28.85	51.57
below 75	39.21	70.09

SUPREME COURT PRACTICE

Law-School Grades	No. in Group	No. in Court	Per Cent in Court	No. of Cases in Court	Av. No. per Man	Per Cent of Normal for all Cases in Court	No. Won	No. Lost	Per Cent Won
90 or better	50	23	46	121	5.26	81.81	69	51	57.50
85–89	121	57	47	468	8.21	127.70	218	248	46.78
80–84	117	40	34	157	3.92	60.97	71	86	45.22
75–79	60	12	20	39	3.25	50.55	20	19	51.28
below 75	14	4	28	19	4.75	73.88	4	15	21.05

DISTRICT COURT PRACTICE [7]

90 or better	50	14	28	131	9.35	106.23	14	19	42
85–89	121	33	27	335	10.15	115.07	36	34	51
80–84	117	22	19	228	10.36	117.46	34	16	68
75–79	60	12	20	54	4.50	51.02	3	6	33
below 75	14	8	57	54	6.75	76.53	3	4	43

[6] The original averages for general standing, shown in this column throughout the study, are obtained by taking the several percentages, eight in all, appearing in the detailed tables immediately following, and averaging them together. Thus, the general average of success for any group depends on the average of the group's success as shown by its proportion of participating members, its proportion of the business handled, its proportion of winnings, and its proportion of distinction earned, observations being taken on these four matters separately for supreme-court and for district-court litigation.

[7] To avoid the possibility of confusion in the understanding of these figures it should be stated that the number of cases actually tried in the district courts by no means equals the number of cases noted for trial on the court calendars. Many cases are settled or abandoned before trial, or continued to a subsequent term of court. Such cases therefore figure in the estimates of the number of cases handled without figuring in the estimates of cases won or lost. A slight discrepancy may for similar reasons also be found between the number of cases in the Supreme Court and the numbers won and lost there.

TABLE I — *Continued*

REACHING DISTINCTION IN PRACTICE[8]

	SUPREME COURT PRACTICE							DISTRICT COURT PRACTICE						
	No. having over 10 Cases	Per Cent	Over 20	Per Cent	Over 30	Per Cent	General Per Cent	No. having over 10 Cases	Per Cent	Over 20	Per Cent	Over 30	Per Cent	General Per Cent
90 or better	3	6.00	1	2.00	1	2.00	10.00	5	10.00	2	4.00	0	0	14.00
85–89	13	10.74	6	4.96	3	2.48	18.18	11	9.09	6	4.95	1	0.82	14.86
80–84	4	3.41	1	0.85	1	0.85	5.11	5	4.27	3	2.56	3	2.56	9.39
75–79	0	0	0	0	0	0	0	3	5.00	0	0	0	0	5.00
below 75	0	0	0	0	0	0	0	2	14.28	0	0	0	0	14.28

Several features are at once manifest on examination of this table. In the first place, success in court has attended the men in the high-scholarship groups to an extraordinary degree as compared with the success in court of the men in the lower-scholarship groups. From the highest degree of success to the lowest degree of success, as found by comparison of scholarship groups, there is registered a difference of almost fifty per cent. This result will not appear startling to well-informed educators, but should be interesting to many people, including some members of the bar, who look upon academic scholarship with disdain as too "impractical" to have any effect toward reaching the goal of success in the intensely practical realm of workaday litigation.

The predominant success of the high-scholarship groups over the lower groups, when tried in the stern reality of actual litigation would seem to demonstrate that far from high scholarships being too theoretical, the "too theoretical" is largely on the part of the superficial observer, who bases his conclusions on some few isolated cases which he thinks point the other way, and reasons therefrom

[8] The method employed for reaching an estimate of distinction earned in practice may perhaps need a word of explanation. For each group under observation the number of members having respectively over ten cases, over twenty cases, and over thirty cases, has been taken as the most tangible criterion of distinction. The individual percentages for each gradation of distinction have then been found by comparing the number of men to reach such distinction with the whole number of men in the group. The individual percentages for each gradation of distinction have next been added together to form the general percentage of distinction for that group in the practice of that court.

that success in practice depends primarily on connections and "settling down" after the formal preparation is finished. The fact would rather seem to be that, in the long run, the man who comes to the task of practice well prepared, on the average attains to a much greater degree of success than his competitor with poor preparation. The explanation seems simple. By doing well in preparation the well-prepared applicant for admission to the bar has not only acquired some highly desirable items of knowledge, but has also acquired the habit of doing well whatever he undertakes. This habit of doing well is even more important than the individual items of information, since it enables its possessor to do highly effective work when he wrestles with the new and peculiar problems arising in the details of his practice. On the other hand, the poorly prepared applicant for admission to the bar begins with the handicap of lacking some highly desirable items of knowledge which his better prepared competitor has acquired. This handicap he no doubt expects to overcome by "settling down" to the real work ahead of him. As it is not yet too late to learn he may still do so, looking up the law when the case calling for it arises in his practice and using his practical common sense in dealing with clients. By this process, let it be granted, success has from time to time been won. The greater difficulty remains, however, that the young lawyer who didn't learn to do well when he had the opportunity in his student days, now does his work poorly, according to his habit, when he tries to "settle down" for himself. The double handicaps of poorer initial preparation and slovenly mental working habits are so serious that it is only the exceptional person who is able to rise above them.

A further remark is called for,—an examination of the details of success in relation to scholarship groups. It will be observed that the proportion of success, while roughly corresponding with scholarship, varies from it both at the bottom and at the top of the scholarship scale. It may be a surprise to educators, but will be no surprise to "practical men," to learn that the so-called grinds, the men here whose scholarship has ranked as ninety per cent or better, have not had so great success in court as the group next below them in scholarship. It should be observed, however, that even the grinds have far surpassed every other scholarship group in success in practice, being themselves surpassed by but one group, and that

only by the group immediately below them. Let no one therefore conclude that because the most conspicuous grinds have not as a class made the best of all records in practice their record can be despised. Their record is far from equaled by that of any group whose members entertain the idea that a passing mark is all that is worth striving for during the period of preparation. The grinds have done well: so well that they are very hard to beat; so well that they can be beaten on the average only by men who also have a high degree of capacity, as shown by their scholarship in preparation. Further, whatever the difficulties encountered by the grinds in securing an extensive practice, they have been beaten by no group of men in the matter of winning their cases in the Supreme Court.

That the group of highest scholarship has been surpassed, in attaining success, by the next scholarship group, however, ought to serve as a warning to the present generation of grinds that there are some other things in practice as well as in life besides mere mastery of book knowledge and intellectual processes. Grinds have been more successful than the next scholarship group in handling Supreme Court litigation, where the issues depend largely on intellectual power; but they have been surpassed by the next scholarship group in the matter of securing cases, and in the matter of winning in the trial courts, instances where the so-called human qualities as opposed to mere intellectual power come more largely into play. This result would seem to point the moral that while good scholarship, evidencing or developing intellectual power, is well-nigh indispensable to success in practice, it should not, for the greatest degree of success, be allowed to become so one-sided as to exclude the ordinary human interests. This much should in justice be granted to the widely prevalent idea that a grind is too impractical to succeed. He is not too impractical to succeed, but his success is likely to be greater if he mixes his grinding with some independent human interests.

A passing remark ought also to be made on the fact that the lowest scholarship group surpassed the next lowest group when it came to the test of success in practice. This result is at first glance startling. It should be noted, however, that the generalizations for this lowest group rest on the achievements of so few members that absolute correctness as an average for the group is not to be ex-

pected. In partial explanation it may also be stated that of the eight men on whose achievements in both courts the generalizations are based, six were either business men or men of no particular occupation before entering practice. The generalizations for the lowest group, whose achievements are poor but not the poorest of all, rest, therefore, on the achievements of a very few men who had some capacity for securing business, their previous experience being such as to develop the quality of being good mixers. While the instances involved are too few to afford accurate tests, the details indicated in the table would seem to bear out this explanation of the relatively greater success of the lowest scholarship group over the next higher group. In both courts, men in this group secured a larger proportion of cases, while in the District Court men in this group also won a larger proportion of their cases than did the men in the next higher group. In the Supreme Court, however, men in this group fared very badly. It should further be noted that the men in this lowest scholarship group, while on this showing surpassing the next higher group, failed by a wide margin of even equaling the success attained in practice by the high scholarship groups.

As a general conclusion, then, on the relation between scholarship in preparation and success in the practice of law, the statement is justified that success in practice has been, on the average, roughly in proportion to the scholarship shown in preparation, with some slight variation from this order produced by other factors.

II. Law-School and Office Preparation

The figures for the North Dakota bar, based on grouping according to preparation in law schools, in offices, or in some combination of law school and office, are as follows:

TABLE II

	General Standing	Reduced to Scale of 100
Law school only	44.93	71.33
Law school and office combined	62.99	100.00
Office only	52.86	83.91

TABLE II — *Continued*

SUPREME COURT PRACTICE

	No. in Group	No. in Court	Per Cent in Court	No. of Cases	Av. No. of Cases per Man	Per Cent of Gen. Average per Man	No. Won	No. Lost	Per Cent Won
Law school only	405	145	35.80	836	5.76	89.71	405	427	48.67
Law school and office combined	105	57	54.28	473	8.29	129.12	231	239	49.14
Office only	36	18	50.00	105	5.83	90.81	57	48	54.28

DISTRICT COURT PRACTICE

Law school only	405	101	24.93	772	7.64	87.71	108	81	57.14
Law school and office combined	105	38	36.19	444	11.68	134.21	47	41	53.40
Office only	36	15	41.66	126	8.40	96.44	31	19	62.00

REACHING DISTINCTION IN PRACTICE

	SUPREME COURT							DISTRICT COURT						
	No. having over 10 Cases	Per Cent	Over 20	Per Cent	Over 30	Per Cent	General Per Cent	Over 10	Per Cent	Over 20	Per Cent	Over 30	Per Cent	General Per Cent
Law school only	18	4.44	7	1.72	4	0.98	7.14	23	5.67	8	1.97	3	0.74	8.38
Law school and office combined	14	13.33	7	6.66	3	2.85	22.84	15	14.28	8	7.61	3	2.85	24.74
Office only	3	8.33	0	0	0	0	8.33	5	13.88	2	5.55	0	0	19.43

In preliminary explanation of these figures it should be noted that in this table men who have had half a year or less of office apprenticeship combined with a law-school course have been deliberately classified as if they were without office training. The reason for this classification may be seen in detail by reference to Table IV below. It appears that such men, usually law-school students filling in one summer with more or less definite office connection, have as a group acquitted themselves with almost precisely the same degree of success as their fellows with the same law-school training but without the ornament of a fleeting office connection. The rea-

sonable conclusion is that such fleeting office connection is for substantial purposes valueless. The law-school men whose records indicate such mere fleeting office connection, aggregating no more than half a year, have accordingly been classified as being without office experience.

The striking feature about the comparison of law-school and office preparation as reflected in success in practice is the strength of the combination of the two over either method when used alone. The advantage, moreover, would seem to lie not primarily in superior intellectual power in winning supreme court cases, nor even in tactical superiority in the trial of cases, but in the capacity, independently of these features, of being able to deal so satisfactorily with clients as to draw and hold their business, combining, as it were, agreeable personal associations with such power in the grasp of problems presented as to inspire clients with confidence. In the capacity to secure business, rather than in marked superiority as shown by losses or winnings in court, the lawyer who has come to his practice equipped with the double training of both law-school and office preparation has outdistanced his fellows who have come equipped with either form of preparation alone.

As between law-school training alone and office training alone, the figures on their face indicate a slight advantage for the office training. The decisiveness of any such advantage for office training as against law-school training is, however, open to question on several grounds. In the first place, the number of exclusively office-trained men, as such, is too small to furnish minutely dependable average results. In the second place, a qualification must be made as to the time element in preparation, which is discussed under the next table below. Since nearly all the office-trained men whose achievements figure in the attainments of the total office group have had either three or four years of training, as against two years of training for many men in the law-school group, the comparison is, in this broad grouping, not sufficiently apt to be dependable. This comment is supported, so far as the meager data on the point furnish any results, by the showing made by the separated group of two-year office-trained men, whose achievements, as a group, fall below the achievements of any other single group in the minute comparison as to time, law school, and office shown in Table IV below. In the third place, it must be remembered that the office-

trained applicant starts in practice with the advantages of achieved technical skill in the details of practice and with associations and connections already partly formed, advantages which enable him to get a quicker and better start in his first independent practice. Any superiority over the law-school trained applicant attributable to such advantages passes away with the lapse of time, however, as the law-school trained lawyer gets familiar with his local practice and community. On a period of observation covering only the limited time embraced in the present study it may be doubted whether the effect of lapse of time is in this respect fully reflected, since for a relatively large proportion of the total number of lawyers involved only a few years have elapsed since their admission to practice.

Law-school training, then, as it has been on the average in the past, is manifestly deficient. Office training, as a substitute for law-school training, is also deficient. The combination of the two produces a good deal better results, on the average, than either alone can produce. So much is demonstrated on the face of these figures. As between law-school work alone and office work alone, superiority either way is not proved, nor even broadly suggested. Apparently, then, each contributes something essentially important for the greatest degree of success in practice.

Is it too bold to assert that law-school training has tended to contribute power of analysis, reasoning, and general familiarity with the authorities, while office training has supplied technical proficiency with actual responsibility in the details of practice, and has developed the capacity for dealing with men? The office as a place for systematic study has long since become practically an impossibility. Some even question whether the office can be the best place for learning details of practice. For that purpose, even, the office lacks the advantage afforded in such law schools as offer practice work of systematic instruction and study in the learning process. On the other hand, practice that is studied and learned in law schools lacks the element of reality and personal responsibility inducing the most serious application which accompanies the taking of steps in actual litigation. However the question of the place to learn practice is resolved, the office retains a distinct advantage over the law school as a place in which to develop the capacity for dealing with men, while it lacks the law-school advantage of system-

atic study and instruction for the development of mental power. Since both the elements in preparation just referred to are required in order to win and maintain the confidence of clients, the readiest way to obtain them both, so far as formal preparation is concerned, would seem to be found, as these figures indicate, in a combination of the two sorts of preparation. This combination, needless to remark, ought not to make the two sorts of work contemporaneous. Attempting to carry on effective office work contemporaneously with regular law-school work effectually destroys the systematic regularity in preparation which is indispensable to good work in the law school. Similarly, if the duties involved in the office are of any consequence, the effectiveness of the office work will suffer if such work is neglected in favor of the requisite preparation for law-school classes.

The amount of time which should be devoted to the law-school work, as compared with the time devoted separately to office preparation, must be determined in the light of the further inquiry regarding the relation of time in preparation to success in later practice.

III. Time Spent in Preparation

The figures for the North Dakota bar, based on grouping according to the time spent in preparation, are as follows:

TABLE III

	General Standing	Reduced to Scale of 100
Two years	48.64	66.66
Three years	42.78	58.63
Four years or more	72.96	100.00

Supreme Court Practice

	No. in Group	No. in Court	Per Cent in Court	No. of Cases	Av. No. of Cases per Man	Per Cent of Gen. Av. per Man	No. Won	No. Lost	Per Cent Won
Two years	224	91	40.62	605	6.64	103.42	295	308	48.92
Three years	255	94	36.86	475	5.05	78.66	222	251	46.93
Four years	67	35	52.23	334	9.54	148.59	176	155	53.17

TABLE III—*Continued*

DISTRICT COURT PRACTICE

Two years	224	47	20.98	407	8.68	99.65	47	37	55.95
Three years	255	79	30.98	548	6.93	79.56	90	68	56.96
Four years	67	28	41.79	387	13.82	158.66	49	36	57.64

REACHING DISTINCTION IN PRACTICE

	SUPREME COURT							DISTRICT COURT						
	No. having over 10 Cases	Per Cent	Over 20	Per Cent	Over 30	Per Cent	Gen. Per Cent	Over 10	Per Cent	Over 20	Per Cent	Over 30	Per Cent	Gen. Per Cent
Two years	15	6.69	6	2.67	4	1.78	11.14	13	5.79	4	1.78	2	0.89	8.46
Three years	7	2.74	2	0.78	1	0.39	3.91	15	5.88	5	1.96	1	0.39	8.23
Four years	13	19.40	6	8.95	2	2.98	31.33	15	22.38	9	13.43	3	4.47	40.28

For convenience of comparison the figures are also here inserted, based on grouping by the double standard of time spent, as combined with law-school or office preparation, or both.

TABLE IV

	General Standing	Reduced to Scale of 100
A = 1 year law school, 1 year office	57.49	62.15
B = 1 year law school, 2 years office	48.56	52.49
C = 2 years law school, 1 year office	41.64	45.01
D = 2 years law school,	48.53	52.46
E = 3 years law school	42.78	46.24
F = 3 years law school, 1 year office	92.50	100.00
G = 2 years law school, ½ year or less office	48.42	52.34
H = 3 years law school, ½ year or less office	41.42	44.78
I = 2 years law school, 2 years office	66.68	72.08
J = 3 years law school, 2 years office	67.01	72.44
K = 1 year law school, 3 years or more office	55.46	59.95
L = 4 years office only	64.17	69.37
M = 3 years office only	47.65	51.51
N = 2 years office only	37.30	43.24

TABLE IV—*Continued*

SUPREME COURT PRACTICE

	No. in Group	No. in Court	Per Cent in Court	No. of Cases	Average No. of Cases per Man	Per Cent of General Average per Man	No. Won	No. Lost	Per Cent Won
A	13	9	69.23	100	11.11	172.78	50	50	50.00
B	12	8	66.66	48	6.00	93.31	25	23	52.08
C	25	12	48.00	46	3.83	59.56	14	32	30.43
D	166	64	38.55	408	6.37	99.06	197	209	48.52
E	176	58	32.95	314	5.41	84.13	156	156	50.00
F	17	9	52.94	118	13.11	203.88	62	54	52.54
G	38	15	39.47	84	5.60	87.09	40	44	47.61
H	25	8	32.00	30	3.75	58.16	12	18	40.00
I	18	8	44.44	66	8.25	128.30	34	32	51.51
J	11	7	63.63	75	10.75	166.56	36	38	48.64
K	9	4	44.44	20	5.00	77.76	10	10	50.00
L	12	7	58.33	55	7.85	122.08	34	21	61.83
M	17	8	47.05	37	4.62	71.85	15	22	40.54
N	7	3	42.85	13	4.33	67.34	8	5	61.53

DISTRICT COURT PRACTICE

A	13	4	30.76	20	5.00	57.20	1	1	50.00
B	12	2	16.66	9	4.50	51.48	1	0	100.00
C	25	10	40.00	85	8.50	97.25	11	13	45.83
D	166	35	21.08	324	9.25	105.83	40	33	54.79
E	176	54	30.68	357	6.61	75.62	61	46	57.00
F	17	9	52.94	153	17.00	194.50	21	11	65.62
G	38	7	18.42	59	8.42	96.39	4	2	66.66
H	25	5	20.00	32	6.40	73.22	3	0	100.00
I	18	6	33.33	93	15.50	177.34	3	5	37.50
J	11	4	36.36	46	11.50	131.57	1	5	16.66
K	9	3	33.33	38	12.66	144.85	9	6	60.00
L	12	6	50.00	57	9.50	108.69	15	9	62.50
M	17	8	47.05	65	8.12	92.90	14	9	58.33
N	7	1	14.28	4	4.00	45.76	2	1	66.66

TABLE IV—*Continued*

REACHING DISTINCTION IN PRACTICE

	SUPREME COURT PRACTICE							DISTRICT COURT PRACTICE						
	No. having over 10 Cases	Per Cent	Over 20	Per Cent	Over 30	Per Cent	General Per Cent	Over 10	Per Cent	Over 20	Per Cent	Over 30	Per Cent	General Per Cent
A	1	7.68	1	7.68	1	7.68	23.04	1	7.68	0	0	0	0	7.68
B	1	8.33	0	0	0	0	8.33	0	0	0	0	0	0	0
C	1	4.00	0	0	0	0	4.00	2	8.00	0	0	0	0	8.00
D	11	6.62	5	3.01	3	1.80	11.43	10	6.02	3	1.80	2	1.20	9.02
E	4	2.27	2	1.13	1	.56	3.96	10	5.68	3	1.70	1	0.56	7.94
F	5	29.41	3	17.64	1	5.88	52.93	5	29.41	4	23.52	2	11.76	64.69
G	3	7.89	0	0	0	0	7.89	2	5.26	1	2.63	0	0	7.89
H	0	0	0	0	0	0	0	1	4.00	1	4.00	0	0	8.00
I	2	11.11	1	5.55	1	5.55	22.21	4	22.22	2	11.11	1	5.55	38.88
J	3	27.27	2	18.18	0	0	45.45	2	18.18	1	9.09	0	0	27.27
K	1	11.11	0	0	0	0	11.11	1	11.11	1	11.11	0	0	22.22
L	2	16.66	0	0	0	0	16.16	3	25.00	1	8.33	0	0	33.33
M	1	5.88	0	0	0	0	5.88	2	11.76	1	5.88	0	0	17.64
N	0	0	0	0	0	0	0	0	0	0	0	0	0	0

By reference to Table III it will be seen that the time element in the course of preparation either is reflected in success in practice in a peculiarly inconsistent fashion, or its influence is merely secondary, yielding to more potent influences from other factors. As will be seen, the four-year group has won much greater success in practice than either of the other groups. This would seem to indicate that long-time preparation is more effective than the shorter periods. As between the two other groups, however, the figures indicate some slight superiority for the two-year group as against the three-year group. Without more this would seem to indicate that the time element in preparation was being overdone already in the three-year group, but such conclusion is effectually denied by the predominantly superior results achieved by the four-year group. The time element alone, therefore, is probably not in itself of decisive importance, more weight properly attaching to the quality of preparation than to its mere quantity. Such conclusion seems reasonable on the face of the figures in Table III.

The correctness of the conclusion that quality of preparation for the practice of law is more important than quantity would on

a priori considerations seem unimpeachable. Better results must be obtained, for example, both as to items of knowledge acquired and as to the value of the mental development produced, by two years of excellent work than by three years of mediocre work. The correctness of this conclusion is also borne out by the details appearing in Table IV. As will be seen by attention to Table IV, the men in the four-year groups, whether of office or combination preparation (no data being available for four-year law-school preparation alone), include the most successful of all groups of practitioners. To this statement must be added the remark that, during the period under observation, neither has the state required a four-year term of preparation nor have any of the law schools required four years of work for graduation. For a part of the period the state required but two years, and for the balance of the period three years have been required.

In explanation of the success of the four-year groups it may be said in the first place that the men in the four-year groups, the men whose achievements have so far surpassed any others, are frequently men who have deemed it worth while, in order to get the best sort of preparation, to do more than the minimum amount required for admission to the bar. The significance of this feature would then lie in the fact that such men have been men of higher than the average standards of achievement and persistence, as demonstrated by the extent of their voluntary course of preparation, and that these standards of achievement have justified themselves by excellent results in practice. The finality of this explanation may well be questioned, however, since in the four-year groups, together numbering a total of sixty-seven men, are also included eight of the men whose preceding work in preparation for the bar examinations was so poor as to result in failure at the first trial and the necessity of additional preparation. Since the four-year groups thus contain not only a large proportion of members of unusual ability, but also some members who have shown signs of mediocrity, it can hardly be said that the longer time involved has by the process of selection necessarily assured a distinctly superior average of quality. Moreover, mere lengthening of the time regularly required for preparation, it is evident, would not by the process of selection raise the average of quality to the degree now found in the four-year groups. It would, through the process of selection, tend to raise the quality

over what is now found in the two- and three-year groups, discouraging the impatient and unpersistent from undertaking the practice of law, but it would also bring into the four-year grouping many men of no unusual ability who merely try to fulfill the minimum requirements.

A better explanation of the predominant success of the four-year groups, apart from the mere element of time, is found in the fact that the best combinations of law-school and office preparation fall in these groups: Two years of law school and two years of office, or three years of law school and one or two years of office; the most successful combinations, as indicated by Table IV, all fall in the four-year groups. Thus a large proportion of the aggregate four-year group consists of men who have had the advantage of the best combination of work in preparation, as well as the advantage of additional time. That the combinations with the additional time have produced somewhat better results than the same combinations of work with only two or three years of preparation, may indicate some advantage distinctly traceable to the additional time involved. The difference in results, however, is not so striking when the mere matter of time is varied, nor does the difference in results so closely follow the extent of time variation as to warrant the conclusion that the time element as such is decisive. Within very elastic limits as to the time devoted to preparation the resulting success in practice seems rather to be dependent on other factors.

The final conclusion to be drawn from these figures is, therefore, that the best combination of work for effective preparation is excellent law-school work, followed by a substantial amount of genuine office apprenticeship. So far as any exact limits on these heads are concerned the question resolves itself largely into a personal one with each student, affected by such further considerations as age and means to sustain the long-continued course. So far as these figures indicate superiority in any one combination over all others it is interesting to notice that the favored one is the combination of three years of law-school work combined with a full year of office work.

IV. Prior College Education

The figures for the bar of North Dakota, based on grouping according to the presence or absence of collegiate as distinguished from law-school training, are as follows:

TABLE V

	General Standing	Reduced to Scale of 100
College graduates	57.66	100.00
Less than two years of college	42.29	73.34
Two years or more of college	42.02	72.87
Noncollege	49.47	85.79

SUPREME COURT PRACTICE

	No. in Group	No. in Court	Per Cent in Court	No. Cases	Av. No. Cases per Man	Per Cent of Av. per Man	No. Won	No. Lost	Per Cent Won
College grad.	122	57	46.71	489	8.57	133.42	233	262	45.97
Less than two years of college	92	36	39.13	210	5.83	90.72	95	114	45.45
Two years or more of college	71	28	39.43	78	2.78	43.31	47	31	60.25
Noncollege	272	105	38.60	676	6.43	100.13	349	327	51.62

DISTRICT COURT PRACTICE

College grad.	122	36	29.50	393	10.91	123.69	22	26	45.83
Less than two years of college	92	25	27.17	149	5.96	67.57	31	21	59.61
Two years or more of college	71	23	32.39	182	7.91	89.68	38	24	61.29
Noncollege	272	73	26.54	661	9.05	102.60	97	83	53.88

REACHING DISTINCTION IN PRACTICE

	SUPREME COURT PRACTICE							DISTRICT COURT PRACTICE						
	No. having over 10 Cases	Per Cent	Over 20	Per Cent	Over 30	Per Cent	General Per Cent	Over 10	Per Cent	Over 20	Per Cent	Over 30	Per Cent	General Per Cent
College graduate	15	12.29	5	4.09	3	2.45	19.83	14	11.47	4	3.27	2	1.63	16.37
Less than two years of college	2	2.17	1	1.08	0	.00	3.25	3	3.26	2	2.17	0	0	5.43
Two years or more of college	1	1.40	0	0.00	0	.00	1.40	5	7.04	1	1.40	0	0	8.44
Noncollege	16	5.88	7	2.57	3	1.10	9.55	20	7.35	11	4.04	4	1.47	12.86

The most cursory examination of this table reveals at once the prominence of the college graduates over the less well-educated groups in the matter of success in the practice of law. Throughout the whole period under observation the state of North Dakota has never required more than a high-school education as preliminary to the professional preparation for law. A large number of lawyers have, however, secured further preliminary education; a considerable number of these have obtained their college degrees, and the college graduates among them have won the greatest measure of success in practice. College education would seem clearly to have justified itself in the actual result.

The startling fact is further revealed by these figures, however, that anything less than college graduation has, on the average, been rather worse than nothing. The men who have had some college education but have not had enough for graduation have in their practice fallen even below the men without any college education whatever. That this result is not a fortuitous circumstance, due to other specific factors, is also manifest from the fact that the number of nongraduate college men under observation is so large that other variant factors involved in the individual cases must substantially offset one another for the group as a whole. It thus appears that on the average college education, short of graduation, has not been worth while as a preparation for the practice of law.

That college graduates should be conspicuous successes, while college men without the degree are closer to failure than even the noncollege men, challenges an explanation. Unfortunately, the collegiate records of the men admitted to the bar in North Dakota are not available in sufficient detail to furnish any light as to the quality of the college work represented. Personal observation of the working out of college attendance, however, supplemented by some reflection and inquiry, suggests the following considerations: It is well known that many college students, for reasons to them appearing sufficient, leave college before graduation. Some come to college who have not the ability necessary to carry on excellent or even satisfactory college work. Many more, the sufficiency of whose mental powers cannot be questioned, fail to apply themselves to the college work with sufficient thoroughness and regularity to enhance their powers by the process. Instead they let themselves drift into the various diverting activities which are always at hand,

thereby earning poor or unsatisfactory grades in their college work. There follows the inevitable exodus from the college halls of men who "quit" because their grades were unsatisfactory or because they were "getting nothing out of" their college work. Further, so long as law schools do not require definite collegiate achievement as a prerequisite to the study of law, there is a constant tendency for such "failures" in college to drift into law work as a supposedly easier or shorter way to self-sustaining independence. That law-school work has appeared easier than collegiate work, startling though it be, must be admitted to have been true at various times and places. There is therefore a great likelihood that the law-school groups with some college education but without college graduation are composed to a very material extent of this class of college "failures," a conclusion confirmed by the count of a somewhat larger percentage of college graduates among the groups of high scholarship in their law-school work as compared with the lower scholarship groups.

If this explanation of the difference between the success in practice of the college graduates and the success of other college men is sound, the further explanation of the success of the non-college men over the college men who failed to graduate is easy. The noncollege group consists of men who have had to forego a college education. They have thereby lost the advantage of thorough college training enjoyed by college graduates, but they have thereby also avoided the disadvantage of learning to loaf while in college, — a habit which, if formed, would have had to be overcome again before success in the practice of law could be achieved.

The general conclusion to be drawn from these figures is, therefore, that a college education to be worth while as a factor in winning success in later practice of law must be a reality of substantial achievement, not merely an enlarged sort of playtime, principally filled with interesting experiences and diversions affording abundant opportunity for expanding the circle of acquaintance. The qualities of being a good mixer, however useful they may be as adjuncts to achieved excellence in the chosen line of work, cannot by themselves take its place in the struggle for success in the practice of law.

A word may be added regarding the two-year college requirement as a prerequisite to the study of law. As these figures indicate, the value of college work, so far as reflected in success in the practice of

law, lies not in the amount of time spent on a campus or in a university community, but on the achievement accomplished during the time of attendance. The mere two- or three-year college man, on the average, has done no better than the man with only a year of college work. The saving clause in the two-year college requirement now imposed by an increasingly large number of law schools is that two years of "satisfactory work" of college grade must have been completed. This requirement, therefore, approximates graduation standards of quality though not of quantity, and thereby largely eliminates the quitters and failures of the college world from the rolls of law-school attendance. In consequence, one may reasonably look for better results in practice to follow than is indicated in our present figures for two-year college men. Definite figures, however, for the achievements of two-year college men who have done satisfactory work as compared with the achievements of college graduates are not at present available.

V. Age of Applicants at the Time of Admission

The figures for the North Dakota bar, based on grouping according to the age of applicants at the time of admission, are as follows:

TABLE VI

Age	General Standing	Reduced to Scale of 100
21–23	48.97	90.56
24–26	54.07	100.00
27–29	50.92	94.17
30–32	42.44	78.49
33–35	37.37	69.11
36–	25.96	48.01

Supreme Court Practice

Age.	No. in Class	No. in Court	Per Cent in Court	No. of Cases in Court	Av. No. per Man	Per Cent of Gen. Av. per Man	No. Won	No. Lost	Per Cent Won
21–23	103	42	40.77	303	7.21	111.60	134	166	44.66
24–26	171	68	39.76	486	7.14	110.52	236	248	48.76
27–29	137	66	48.17	378	5.72	88.54	191	183	51.06
30–32	64	22	34.37	146	6.63	102.62	73	73	50.00
33–35	32	9	28.12	36	4.00	61.91	19	17	52.77
36–	21	7	33.33	34	4.85	75.07	21	13	81.76

TABLE VI — *Continued*

DISTRICT COURT PRACTICE

Age	No. in Class	No. in Court	Per Cent in Court	No. of Cases in Court	Av. No. per Man	Per Cent of Gen. Av. per Man	No. Won	No. Lost	Per Cent Won
21–23	103	32	31.06	262	8.18	91.39	25	25	50.00
24–26	171	47	27.48	503	10.70	119.60	75	56	57.25
27–29	137	41	29.92	377	9.19	102.68	65	37	63.72
30–32	64	13	20.31	103	7.92	88.49	4	12	25.00
33–35	32	11	34.37	67	6.09	68.04	8	10	44.44
36–	21	3	14.28	5	1.66	18.54	0	2	0

REACHING DISTINCTION IN PRACTICE

	SUPREME COURT							DISTRICT COURT						
Age	No. having over 10 Cases	Per Cent	Over 20	Per Cent	Over 30	Per Cent	General Per Cent	Over 10	Per Cent	Over 20	Per Cent	Over 30	Per Cent	General Per Cent
21–23	7	6.79	3	2.91	2	1.94	11.64	7	6.79	3	2.91	1	0.97	10.67
24–26	15	8.77	5	2.92	1	0.58	12.27	17	9.94	9	5.26	3	1.75	16.95
27–29	7	5.11	4	2.91	2	1.45	9.47	11	8.02	6	4.37	2	1.45	13.84
30–32	4	6.25	2	3.12	1	1.56	10.93	5	7.81	0	0	0	0	7.81
33–35	1	3.12	0	0	0	0	3.12	2	6.25	0	0	0	0	6.25
36–	1	4.76	0	0	0	0	4.76	0	0	0	0	0	0	0

The most striking feature about these figures is the relatively insignificant part played by age as a factor in success in the practice of law. Though in the three groups, ranging in age from twenty-one to twenty-nine years, are found about four fifths of the men admitted to practice by examination during the period under observation, yet the differences in their averages of success range less than ten per cent. According to these figures the best age at which to begin the practice of law, other things being equal, is the age of twenty-five years. The difference in resulting success from a few years' variation either way from this point is so slight, however, that the mere matter of age, as such, can clearly, throughout the twenties, be said to be insignificant.

The figures further tend slightly to indicate that — at least as the practice has been conducted in North Dakota — law is a profession

for young men, rather than for more elderly men, to enter. While the matter of age as such plays a very minor part as between one year or another throughout the twenties, it seems to begin to count adversely as the age of thirty is passed. Men who were admitted in their early thirties have fallen somewhat below the men who were admitted in their twenties, while the men admitted during their later thirties have failed in even greater degree.

The details of these figures indicate, however, that the rather meager showing so far as the older men is concerned is not due to lack of ability. In proof one need only look at their record in the Supreme Court. Their showing is traceable rather to lack of cases handled and lack of participation generally. One may therefore hazard the conclusion that the older men have either been less adaptable to the new tasks of practice than the younger men, and have consequently had more difficulty in getting well started, or they have tended more strongly to give up their plans for a life of practice, turning instead to other more immediately profitable occupations open to them by reason of their wider experience and connections. In all probability both these considerations have been operative. While the distinctly young man's youth may be slightly against him at the start, any disadvantage arising therefrom is apparently easily overcome. On the other hand, the obstacles to successful change from other occupations to the practice of law seem to become all the more serious with advancing years.

VI. Prior Occupation

The figures for the North Dakota bar, based on grouping according to the occupation of applicants at the time of admission, are as follows:

TABLE VII

	General Standing	Reduced to Scale of 100
No previous occupation	52.00	95.41
Teacher	40.81	74.88
Farmer	36.15	66.33
Business	54.50	100.00
Clerk	43.13	79.13

TABLE VII — *Continued*

SUPREME COURT PRACTICE

Prior Occupation	No. in Class	No. in Court	Per Cent in Court	No. of Cases in Court	Av. No. Cases per Man	Per Cent of Average per Man	No. Won	No. Lost	Per Cent Won
None	103	41	39.80	339	8.26	188.84	152	183	44.83
Teacher	60	21	35.00	149	7.09	102.01	84	65	56.37
Farmer	49	17	34.69	51	3.00	43.16	23	28	45.09
Business	184	81	44.02	504	6.22	89.49	266	236	52.77
Clerk	113	41	36.28	254	6.19	89.06	114	139	44.88

DISTRICT COURT PRACTICE

None	103	30	29.12	257	8.56	94.90	32	21	60.37
Teacher	60	14	23.33	44	3.14	34.81	8	4	66.66
Farmer	49	11	22.44	80	7.27	80.59	12	9	57.14
Business	184	52	28.26	632	12.15	134.70	94	76	55.29
Clerk	113	30	26.54	223	7.43	82.37	20	23	46.51

REACHING DISTINCTION IN PRACTICE

	SUPREME COURT PRACTICE							DISTRICT COURT PRACTICE						
Prior Occupation	No. having over 10 Cases	Per Cent	Over 20	Per Cent	Over 30	Per Cent	General Per Cent	Over 10	Per Cent	Over 20	Per Cent	Over 30	Per Cent	General Per Cent
None	13	12.62	3	2.91	1	0.97	16.50	8	7.76	3	2.91	1	0.97	11.64
Teacher	2	3.33	2	3.33	1	1.66	8.33	0	0	0	0	0	0	0
Farmer	0	0	0	0	0	0	0.	3	6.12	0	0	0	0	6.12
Business	12	6.52	6	3.26	3	1.63	11.41	23	12.50	10	5.43	4	2.17	20.10
Clerk	6	5.30	3	2.65	2	1.76	9.71	7	6.19	4	3.54	0	0	9.73

It should be said in explanation of the grouping here presented that neither do such defined lines separate the different occupations, as this table would suggest, nor are the occupations so few as here tabulated. The grouping is an attempt to classify according to the general character of the particular occupation or job specified in the detailed information available. The single term "business" has therefore been used to cover a great variety of specially designated undertakings, all involving independent responsibility, while the

term "clerk" covers generally all instances where the applicant has been engaged in work under the immediate direction of a superior. The term "business" has also had to cover the cases where occupations were numerous, indicating a more or less extensive range of experience, even though some of the specific jobs included might have been classified under other heads.

The first conclusion to be drawn from these figures is that prior occupation, as such, is insignificant in its bearing upon success in the practice of law. The group classified under the term "business," the group having the largest range of general experience, heads the list in achievement in practice, but is followed very closely by the group, also considerable, of young men without any previous occupation. Engagement in any particular occupation as such, therefore, apparently contributes little that is affirmatively significant toward achieving success in the practice of law.

The somewhat less satisfactory results shown for the men who have come from certain occupations indicate, however, that their experience in such occupations needs to be supplemented in order to achieve the kind of development leading to the greatest degree of success in the practice of law. From the data at hand, moreover, a few suggestions may be made as to what, in such cases, the supplemental training ought to be.

By cross-sectional observation of the scholarship, collegiate work, and respective law-school and office preparation of the members in the different occupational groups it appears that there is practically no difference, as between occupational groups, in regard to scholarship, the group of teachers in this respect holding a narrow lead. In regard to graduation from college the teachers and the group without previous occupation hold a strong lead over the other named groups, which, among themselves, stand in this respect about equal. In the matter of combined law-school and office experience no very striking difference appears among the occupational groups, except in the case of the farmer group, whose members practically without exception are without office experience. On the basis of these facts one may therefore draw the conclusion that the obstacles to success in practice, if any, which appear on occupational grounds are largely susceptible of identification among the other factors already considered. The differences in winnings in court, as will be seen by attention to the details of the tables based on

occupation, are not in the aggregate nearly so striking as the differences in the proportionate number of cases handled by the men in each group. The fact is suggestive. With no very conspicuous differences in regard to scholarship among these groups, follow no very conspicuous differences in regard to success in court litigation. The intellectual element for success in practice thus appears to be present or attainable for every one, regardless of prior occupation.

The differences in the ability to get business, as between the different occupational groups, on the other hand, to some extent follow the lines suggested by the presence of differences in training for dealing with men. In this respect the group of business men, that is, the group composed of men of the widest range of experience and responsibility, easily leads all the others. Next to this group in ability to secure business comes the group of no prior occupation, largely consisting, as may be guessed, of men belonging to families of independent means. To such men a prior occupation has not been necessary, while their capacity as mixers has had ample opportunity for development. In contrast with these groups teachers and farmers, by reason of the requirements in their occupations, have had less opportunity for developing the ability to mingle easily with any crowd, and as lawyers this at the outset is to them a handicap which, unless removed, is likely somewhat to affect their chances of getting well started in practice, and which, unless counterbalanced by unusual ability in other respects, will continue to affect the amount of business they are able to secure. As it turns out with the groups here under observation, the teachers have shown some tendency to counterbalance or remove the handicap by completing a full course of collegiate work or by taking seriously to work in law offices. The men from the farms, as a group, have not gone further than the others with their college education. Practically without exception, moreover, they have taken no training in law offices after their law-school work was finished. They have thus missed the opportunity to acquire training needed for further developing their general ability to deal with men, and they have done nothing to counterbalance that disadvantage by securing superior training in other respects. As a result, the men who compose the farmer group of lawyers — as able intellectually as any others — have fallen below the other groups in practice for lack of ability to secure business, a

lack traceable not so much to the previous occupation as to a course of preparation for such instances too one-sided to secure the best results. The men who compose the group of teachers have suffered in the same way, for the same reasons, but their difficulties, in the aggregate, have been somewhat less and their success correspondingly greater, by reason of more all-rounded development in the course of preparation.

VII. Records of the Judges Themselves

Though scholarship records for the judges that have sat upon the bench in the different courts in North Dakota are not to any appreciable extent available, some other details in their formal preparation present an opportunity for comparison of results.

The figures for the judges of the district courts, covering sixteen of the nineteen district judges who have acted during the period under observation, are as follows:

	No. in Group	Per Cent of Affirmances in Supreme Court	Per Cent of Reversals in Supreme Court
College graduates and law-school graduates	3	69	31
College graduates but not law-school graduates	4	64	36
Law-school graduates but not college graduates	6	56	44
Neither college graduates nor law-school graduates	3	49	51

While the numbers in each group of judges are too small for reliable averages, it is at least suggestive that the correctness of the judicial acts of district judges, when tried in the process of appeal, is in direct proportion, on the average, to the thoroughness of their educational preparation. The striking showing of the same sort in regard to practice at the bar, combined with the fact that judges of to-day are merely lawyers of yesterday and lawyers of to-morrow, is convincing evidence that this showing on the part of judges in the test of appeal is not fortuitous. Thorough preparation makes itself felt in success on the bench as it does in success at the bar.

VIII. General Conclusions

Success in practice, as may be observed in the facts considered, is a complex result involving many interacting factors. Some of these factors, such as inborn ability or the fortune of the times in which we live, are beyond the control of the individual by his own efforts to change and improve. Other factors, involving matters of development through training, may be very materially affected for good or ill by efforts of the individual himself. The individual who is seeking preparation for the practice of law should therefore so arrange his course of preparation as to secure the development which will give him the greatest possible proficiency in practice. Only by so doing does he lay the securest foundation for his own personal achievement of success.

The first general conclusion to be drawn is, therefore, that on the face of the facts presented the most effective course of preparation for the practice of law consists of a completed college education, a law-school course, and an office apprenticeship. Age and prior occupation are of but secondary importance. In the course thus indicated by far the most effective detail in preparation is the doing well of the task in hand. As shown by figures upon each of these features, lack of a college education is a disadvantage but not insuperable, lack of law-school education is a disadvantage but not insuperable, and lack of office apprenticeship is a disadvantage but not insuperable. The disadvantage which is much more nearly insuperable than any other of these is that of poor work in preparation. The opportunity for success is thus open to every man through the doing of the highest possible quality of work throughout his course, carrying his programme through as much of the college, law-school, and office course as his circumstances permit.

May not a second general conclusion also be drawn from these figures, — that legislatures ought to raise the standard of education, general and professional, for admission to the bar? Incompetent lawyers, learning at the expense of their unfortunate clients, are no more to be desired than incompetent doctors, learning from their mistakes in killing their patients. More than twice as many men are admitted to the bar, the figures indicate, as ever actively practice law. Manifestly, then, the incompetent lawyer is not needed in order to take care of legitimate litigation. The ill-trained applicants, as has

been demonstrated, furnish the largest proportion of incompetent lawyers. By requiring better training for admission to the bar an appreciably higher degree of proficiency may be obtained, making the services of the legal profession much more useful to their clients, to the courts, and to the community as a whole.

Lauriz Vold.

UNIVERSITY OF NORTH DAKOTA.